

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

In Re,

KATHERINE L. MELOT,

Civ. No. 13-cv-766 MV/RHS

Debtor.

MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION

THIS MATTER was referred to the undersigned pursuant to an Order of Reference (Doc. 11) directing that a legal analysis be performed as required to recommend to the District Court an ultimate disposition of the case. Upon a thorough review of the pleadings on file in the above-captioned cause, the undersigned concludes that an evidentiary hearing is not required and that the case may disposed of based on the status of the pleadings.

PROCEDURAL HISTORY

1. On August 16, 2013, an Expedited Motion to Withdraw Reference Pursuant to 28 U.S.C. § 157(d) was filed (Doc. 1).
2. The Court granted (Doc. 3) the Motion to Withdraw Reference (Doc. 1) on August 27, 2013.
3. Thereafter, the Debtor filed her Motion for Reconsideration (Doc. 5) of the Order granting the Motion to Withdraw Reference (Doc. 1).
4. While there was a Response (Doc. 6) and a Reply (Doc. 7) to the Debtor's Motion for Reconsideration, the Motion remains pending.
5. On October 21, 2013, the Debtor filed a Motion to Reinstate Stay (Doc. 8). A Response (Doc. 9) was timely filed on October 28, 2013 and the Motion remains pending.

6. On December 10, 2013, the Debtor filed a Motion for Order to Voluntarily Withdraw Chapter 7 Bankruptcy (Doc. 10). On the day before, December 9, 2013, the Debtor had filed a Notice of Dismissal of Proceedings (Doc. 35 in Bankruptcy Case No. 13-12601) and an Order Dismissing the Case was filed that same day in the referenced bankruptcy cause.

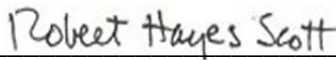
7. Therefore, based on the foregoing filings and proceedings, there does not appear to be any pending issue(s) remaining between the parties in the above-captioned cause.

#### RECOMMENDATIONS

The undersigned respectfully recommends the following:

1. Debtor's Motion for Consideration (Doc. 5) be denied as moot.
2. Debtor's Motion to Reinstate Stay (Doc. 8) be denied as moot.
3. Debtor's Motion to Voluntarily Withdraw Chapter 7 bankruptcy (Doc. 10) be denied as the same was previously granted in the bankruptcy proceeding and is therefore moot as filed in this proceeding.
4. This cause be dismissed with prejudice as there remain no pending issues between the parties that require judicial determination.

Within fourteen (14) days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant 28 U.S.C. § 636(b)(1), file written objections to these proposed findings and recommended disposition. A party must file any objections with the clerk of the district court within the fourteen (14) day period allowed if that party would like to have appellate review of the proposed findings and recommendations. If objections are not filed, appellate review will not be allowed.

  
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ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE